

10/776,566

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The Applicant thanks the Examiner for indicating that claims 6-8, 15, 16 and 18 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. In accordance with this indication, claim 7 is appropriately revised to be an independent claim. Amended independent claim 7 is now believed to be allowable. As claim 8 depends from claim 7, this dependent claim is believed to be allowable as well.

In addition, independent claims 1, 14 and 20 are suitably revised to include the essential allowable subject matter of claim 7. These amended independent claims are also now believed to be allowable. As all of the remaining dependent claims depend, either directly or indirectly, from independent claims 1 or 14, those dependent claims are believed to be allowable as well. In any event, the following remarks are submitted concerning the allowability of the pending claims.

Claims 11 and 9 are objected to for the reasons noted in the official action. The above requested specification amendments are believed to overcome all of the raised informalities concerning claims 11 and 19. If any further amendment to the specification is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Upon reviewing the outstanding official action, it is noted that the prior art made of record in this case by way of an Information Disclosure Statement was not substantively considered by the Examiner. The Applicant respectfully submits that the prepared and filed Information Disclosure Statement, including PTO Form 1449, was made in accordance with the provisions of 37 C.F.R. 1.97. Attached are copies of the PTO form 1449, a cover page with a certificate of mailing and the returned post card, all of which were previously filed on

11/23/04 11:55 AM

- 7 -

10/776,566

May 7, 2004. Accordingly, in view of the above comments, the Applicant respectfully submits that the previously filed Information Disclosure Statement was timely submitted, in accordance with the provisions of 37 CFR 1.97, and should have been substantively considered. Such consideration is respectfully requested at this time.

Claims 1, 2, 4, 5, 11, 12 and 20 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Wanzer '766. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks:

Wanzer '766 relates to an outboard propeller mechanism for a vessel. The propeller mechanism is powered by an internal combustion engine which is housed in a housing 2. The motor has a horizontally extending power shaft 6, which is made up of two shafts each of which is labeled 6. The two shaft sections 6 are connected to and separated by a pair of universal joints 28 and 29 and a flexible section 27. This arrangement allows for power transfer to the propeller during horizontal and vertical movement of the propeller in relation to the stationary engine. The power shaft 6 extends to a beveled gear 7 which meshes with a further beveled gear 8 located at a first end of a vertical drive shaft 9. The vertical drive shaft 9 has another beveled gear 10 at a second end which meshes with and provides power to the propeller shaft 4. In short, the power drive extends from the engine to a horizontal power shaft 6 to a vertical drive shaft 9 to another horizontal propeller shaft 4. The power shaft extending from the motor and the propeller shaft may both be horizontal however they are not collinear as currently claimed. This is distinctly different from the claims of the current application.

The current application relates to and covers a marine outdrive having a propeller end for supporting a rotatable propeller and a mounting end for mounting the marine outdrive to a marine vessel. The marine outdrive comprises a main drive shaft coupled to a propeller drive shaft by a pivotal connection, and both the main drive shaft and the propeller drive shaft lie substantially within a plane and are substantially collinear with one another.

10/776,566

Claims 1, 10, 11, 14, 17 and 19 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Ferguson '945. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Ferguson '945 relates to an outboard motor mounting arrangement. This mounting arrangement retains an outboard motor to the transom 33. The internal combustion engine 17 drives a vertical drive shaft which turns a beveled gear set which in turn drives a horizontal propeller shaft to supply drive to the propeller 21.

The current application, in contrast, recites a marine outdrive having a propeller end for supporting a rotatable propeller and a mounting end for mounting the marine outdrive to a marine vessel. The marine outdrive comprises a main drive shaft coupled to a propeller drive shaft by a pivotal connection, and both the main drive shaft and the propeller drive shaft lie substantially within a plane and are substantially collinear with one another.

Looking now at the steering actuator of Ferguson '945 as best seen in Figs. 2 and 7, a single hydraulic cylinder-piston assembly 121 can be seen which is attached at one end to the swivel bracket 51 and at the other end to a king pin arm 127. Hydraulic fluid supplies contraction or expansion to the single hydraulic cylinder-piston assembly 121. As the hydraulic assembly contracts or expands, the king pin arm 127 and the king pin 107 swivel within the swivel bracket bore 105 and thus effects steering movement of the propulsion unit 13. It should be noted that the steering actuator is only connected at one side of the king pin arm, either 125 or 135 and at one point on the swivel bracket, either 123 or 137.

As currently claimed in this application the steering system in part comprises a first and second steering apparatus. Each of the first and second apparatus is attached to a steering yoke at a first end. The second ends of the first and second steering apparatus are attached to the transom. This arrangement is advantageous over the cited art in that as one steering apparatus is extended, the other steering apparatus can similarly be contracted at the same time, thus facilitating steering of the drive.

10/776,566

Next, claims 1 and 9 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Lohse '203. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

As with Wanzer '766 and Ferguson '945, Lohse '203 relates to a drive for a boat. This reference discloses an engine 6, a transmission 7, a double universal joint 24 and a horizontal drive shaft 23. The drive shaft is splined at 25 which rotates the beveled gear 39 which, in turn, meshes with the bevel gear 40 on the upper end of the vertical drive shaft 36 thus driving the vertical drive shaft 36. A bevel gear 63 on the lower end of the vertical drive shaft 36 meshes with a bevel gear 64 fixed on the horizontal propeller shaft.

The teachings of Lohse '203 are in distinct contrast to the claims of the current application in which a marine outdrive has a propeller end supporting a rotatable propeller and a mounting end for mounting the marine outdrive to a marine vessel. The marine outdrive comprises a main drive shaft coupled to a propeller drive shaft by a pivotal connection, and both the main drive shaft and the propeller drive shaft lie substantially within a plane and are substantially collinear with one another.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art of Wanzer '766, Ferguson '945 and Lohse '203, the independent claims of this application now recite the features of "outdrive having a propeller end for supporting a rotatable propeller and a mounting end for mounting the marine outdrive to a marine vessel, the marine outdrive comprising a main drive shaft coupled to a propeller drive shaft by a pivotal connection, the main drive shaft and the propeller drive shaft both lie substantially within a plane and being substantially collinear with one another. . . first and second spaced apart steering actuators, a first end of each of the first and second steering actuators coupled to the steering yoke and a second end of each of the first and second steering actuators being connectable with the transom for facilitating steering of the marine outdrive". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

11/23/04 11:50 AM

10/776,566

Lastly, claim 13 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Wanzer '766 while claim 3 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Lohse '203. The Applicant acknowledges and respectfully traverses the raised obviousness rejections in view of the following remarks.

The Applicant acknowledges that these references do may arguably relate to the features indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the base references still fail to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Wanzer '766, Ferguson '945 and Lohse '203 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

11/23/04 11:20 AM

- 11 -

10/776,566

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
Davis & Bujold, P.L.L.C.
Fourth Floor
500 North Commercial Street
Manchester NH 03101-1151
Telephone 603-624-9220
Facsimile 603-624-9229
E-mail: patent@davisandbujold.com